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DAVIDSON, DAVIDSON & KAPPELL, LLC
485 7TH AVENUE, 14TH FLOOR
NEW YORK, NY 10018

MAILED

MAR 03 2009

OFFICE OF PETITIONS

In re Application of :
Angelo BEATI, et al :
Application No. 10/574,258 : **DECISION ON PETITION**
Filed: March 28, 2006 :
Attorney Docket No. 12928/10026 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 8, 2009, to revive the above-identified application.


The petition is **GRANTED**.

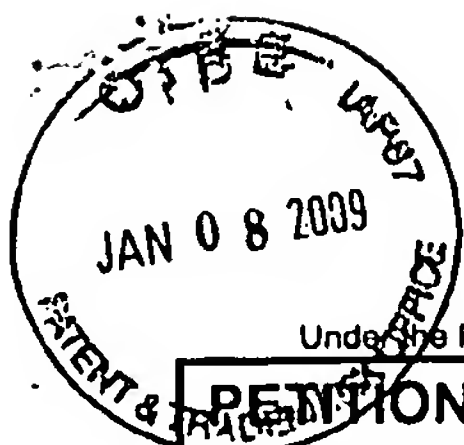
This application became abandoned as a result of petitioner's failure to file a complete and proper reply to the after final Office action dated November 13, 2007. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 14, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) a reply in the form of a supplemental amendment, (2) the petition fee of \$1620; and (3) the required statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at (571) 272-6735.

This application is being referred to Technology Center 3663 for appropriate action by the Examiner in the normal course of business on the reply received January 8, 2009.


Thurman Page
Petitions Examiner
Office of Petitions



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/64 (12-08)
Approved for use through 01/31/2009. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
12928/10026; 569.1012

First named inventor: Angelo BEATI

Application No.: 10/574,258

Art Unit: 3663

Filed: March 28, 2006

Examiner: Ricardo J. Palabrica

Title: NUCLEAR FUEL ASSEMBLY INCLUDING A LATTICE REINFORCING DEVICE AND THE USE OF SUCH A
DEVICE IN A NUCLEAR FUEL ASSEMBLY

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or
action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration
date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1620.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in
the form of Supplemental Response to Office Action (identify type of reply):

- ☐ has been filed previously on _____
☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____

- ☐ has been paid previously on _____
☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the
USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to
complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any
comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer,
U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED
FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

01/08/2009 REFERRAL 0000025 10574258

1620.00 0P

01 FC:1453

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.



Signature

January 6, 2009

Date

William C. Gehris

Typed or printed name

38,156

Registration Number, if applicable

485 Seventh Avenue, 14th Floor

Address

(212) 736 - 1940

Telephone Number

Address

New York, New York, 10018

Address

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

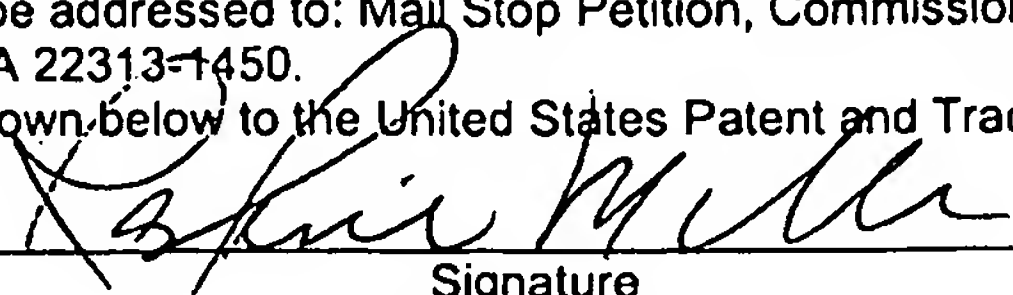
I hereby certify that this correspondence is being:

- ☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- ☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

January 6, 2009

Date

Date



Signature
Rashine Miller

Typed or printed name of person signing certificate



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Application of: Angelo BEATI et al.
Serial No.: 10/574,258 Confirmation No.: 3663
Filed: March 28, 2006
For: NUCLEAR FUEL ASSEMBLY INCLUDING A LATTICE
REINFORCING DEVICE AND THE USE OF SUCH A
DEVICE IN A NUCLEAR FUEL ASSEMBLY
Art Unit: 3663
Examiner: Ricardo J. Palabrica
Customer No.: 23280
Atty. Docket: 12928/10026; 569.1012

Mail Stop: PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

January 6, 2009

SUPPLEMENTARY RESPONSE TO OFFICE ACTION

Sir:

This Supplementary Amendment is in response to the Notice of Non-Complaint Amendment dated March 18, 2008. The claim listing has been amended to include a full listing of the claims. This Amendment includes the arguments previously submitted on February 1, 2008 in response to the Office Action dated July 23, 2008. A Request for Continued Examination was also filed on February 1, 2008 with payment of \$810. At this time applicant hereby requests reconsideration of the application based on the following remarks.

FORM PTO-1083

JAN 08 2009

Mail Stop: PETITION
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P.O. Box 1450
Alexandria, VA 22313-1450

Docket No.: 12928/10026; 569.1012

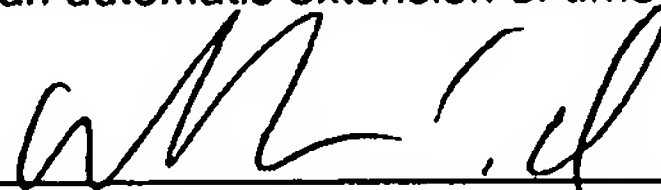
Date: January 6, 2009

In re application of: **Angelo BEATI et al.**
Serial No.: 10/574,258
Filed: March 28, 2006
For: **NUCLEAR FUEL ASSEMBLY INCLUDING A LATTICE REINFORCING DEVICE AND THE
USE OF SUCH A DEVICE IN A NUCLEAR FUEL ASSEMBLY**

Sir:

Transmitted herewith is a **Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b) (2 pages)** in the above-identified application.

- [X] Also transmitted herewith are:
[] Petition for extension under 37 C.F.R. 1.136
[X] Other: Return Receipt Postcard
Supplemental Response to Office Action (13 pages)
- [X] Check(s) in the amount of \$1620.00 is/are attached to cover:
[] Filing fee for additional claims under 37 C.F.R. 1.16
[] Petition fee for extension under 37 C.F.R. 1.136
[X] Other: Petition fee under 37 C.F.R. 1.17(m)
- [X] The Assistant Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.
- [X] Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.
- [X] Any patent application processing fees under 37 C.F.R. 1.17.
- [X] Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.


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I hereby certify that the documents referred to as attached therein and/or fee are being deposited with the United States Postal Service as "first class mail" with sufficient postage in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on January 6, 2009.
DAVIDSON, DAVIDSON & KAPPEL, LLC

BY:


Danielle C. Sullivan